

# Eastham Conservation Commission

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Eastham, MA 02642



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**Eastham Conservation Commission  
2500 State Highway  
Earle Mountain Room  
August 26, 2014  
Public Hearing  
MINUTES**

**Commissioners Present:** Chairman Stephen Smith, Linda Haspel, Steven LaBranche, James Baughman and Mary Zdanowicz .

**Commissioners Not Present:** Steven Kleinberg and Michael Harnett.

**Staff Present:** Shana Brogan.

**Also Present:** John Kelly of the Town of Orleans, George Price and Laura McKean of the Cape Cod National Seashore, Nancy Carlson and Keith Harrison.

6:04 PM

Chairman Smith opened the hearing.

**Ratification of Enforcement Orders issued to the Town of Orleans and Cape Cod National Seashore for operation of an off road vehicle program within the Town of Eastham at property located at Nauset Spit Barrier Beach, Maps 25, 26, and 26A.**

James Baughman **MOVED** to ratify Enforcement Order issued to Town of Orleans, Linda Haspel **SECONDED**.

Chairman Smith, Linda Haspel, Mary Zdanowicz and James Baughman in **FAVOR**.

Steven LaBranche **OPPOSED**.

**MOTION CARRIED.**

John Kelly of the Town of Orleans asked to speak to the Enforcement Order. Chairman Smith said he did not feel it was appropriate to allow anyone to speak to it, because it was already voted on and they were just ratifying the vote. Chairman Smith noted discussion would come with a Notice of Intent activity. Mr. Kelly asked the commission if they received the packet of information from the Orleans Selectmen and if they would table the vote based on this information. Chairman Smith noted the commission did receive the packet of information and it did not change the outcome of their decision.

Chairman Smith noted a second vote was need to ratify the Enforcement Order for the Cape Cod National Seashore (CCNS), but asked if an Enforcement Order was appropriate. Shana Brogan noted it was not clear who owned the land. Chairman Smith noted all the information will come out in the Notice of Intent.

Mary Zdanowicz asked if there is evidence that the CCNS is operating an off-road beach program. Chairman Smith said there is no evidence. Linda Haspel noted the commission does not decide who owns land, but is responsible for protecting land if it is a resources area. She noted the area in question is an Eastham resource area the commission should protect. Ms. Haspel suggested ratifying the Enforcement Order, because that is the commissions function and let the land court decide who owns the land. George Price the Superintendent of the CCNS noted they do believe the United States owns the area in question not the Town of Orleans. Chairman Smith again asked if an Enforcement Order was appropriate for the CCNS. Shana Brogan noted the Enforcement Order is issued to the property owners and they are both claiming ownership.

John Kelly noted the Town of Orleans would like to finish out their season and asked what the Enforcement Order would mean to them. Chairman Smith said they can finish their season, but no vehicles are allowed to drive past the Eastham boundary. If cars do drive past the Eastham boundary there will be a citation issued. The commission will meet and discuss the citation and how these violations would be addressed. Shana Brogan will issue a letter to both the Town of Orleans and Cape Cod National Seashore concerning the citations and moving forward.

Linda Haspel **MOVED** to ratify Enforcement Order issued to the Cape Cod National Seashore, James Baughman **SECONDED**.

Chairman Smith, Linda Haspel and James Baughman in **FAVOR**.

Mary Zdanowicz and Steven LaBranche **OPPOSED**.

**MOTION CARRIED.**

**Continuation of Notice of Intent filed by Patricia Martin. Applicant proposes replacement of dock at property located at 1200 Herring Brook Road, Map 13, Parcel 079A.**

The applicant requested a continuance until September 8, 2014.

Linda Haspel **MOVED** to continue to September 8, 2014, James Baughman **SECONDED**.

**ALL IN FAVOR.**

**Request for Certificate of Compliance filed by Barbara Carlson for DEP SE 19-1347 for septic system repairs and after the fact filing for paving a driveway at property located at 60 Rogers Lane, Map 21, Parcel 069.**

Nancy Carlson was representing her parents. She noted there is no run off going into the cove creating erosion. Chairman Smith noted the main issue with the driveway was it was a paved and the commission would never have approved a paved driveway in the resource area. He noted that after the septic was installed they repaved the driveway. Steven LaBranche noted the main concern was the paved driveway. Ms. Carlson noted she was not clear about the Order of Conditions. Chairman Smith noted it was discussed not to pave the driveway and it is listed in the Order of Conditions.

Chairman Smith also noted concerns about the no-mow zone being altered. He said this would need to be brought into compliance. Chairman Smith requested the planting list by Wilkinson & Associates and suggested demarcation of the no-mow zone. It was suggested to move the no-mow zone back ten feet. Chairman Smith suggested a line of bushes. The commission will postpone the vote until October to give the grass a chance to grow and to see the demarcation in place to prevent any other no-mow zone activity.

Mary Zdanowicz **MOVED** to postpone the vote until October 14, 2014, Linda Haspel **SECONDED**.

**ALL IN FAVOR.**

#### **Other Discussion Items**

**Unauthorized activity – driveway expansion and installation of pressure treated planting bed at property located at 37 Longstreet Lane, Map 13, Parcel 061.**

Keith Harrison was present to speak to the commission concerning the driveway and expansion area. Mr. Harrison noted he was unaware he was in a buffer zone and asked for a definition of a buffer zone. Chairman Smith requested an official delineation showing the different resources area. The commission requested Mr. Harrison file a Notice of Intent and do an after the fact filing.

#### **Wiley Park Entrance Update**

Steven LaBranche explained the Wiley Park entry way and said he has not seen any knotweed since the project was completed. He noted conservation grass seed mix which is low growing was used.

#### **Administrative Reviews**

##### **20 Nickerson Road - removal of two black oak trees**

Chairman Smith noted the applicant worked very hard to save a tree. He said one tree was dead and the other tree was surrounded by cherry trees.

Mary Zdanowicz **MOVED** to approve the removal of two trees, Linda Haspel **SECONDED**.  
**ALL IN FAVOR.**

#### **Approval of Minutes**

##### **April 08, 2014 – On-Site Meeting**

Mary Zdanowicz **MOVED** to approve, Linda Haspel **SECONDED**.  
**ALL IN FAVOR.**

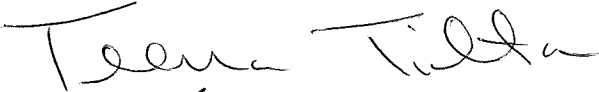
##### **April 29, 2014 – On-Site Meeting**

Mary Zdanowicz **MOVED** to approve, Linda Haspel **SECONDED**.  
**ALL IN FAVOR.**

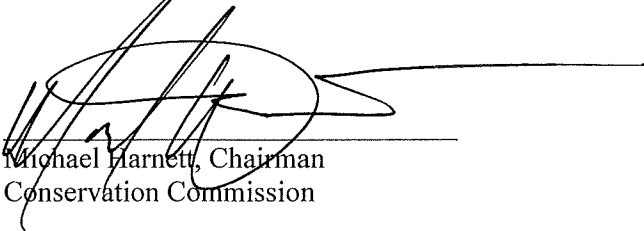
#### **Adjournment 8:00PM**

Steven LaBranche **MOVED** to adjourn, Linda Haspel **SECONDED**.  
**ALL IN FAVOR.**

Respectfully Submitted as prepared by,



Teena Tilton

  
Michael Barnett, Chairman  
Conservation Commission